

Applicant : Bradley G. Thompson and Matthew C.
Coffey
Serial No. : 10/734,552
Filed : December 11, 2003
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Attorney's Docket No.: 16596-006003

REMARKS

It is respectfully requested that this application be reconsidered in view of the following remarks and that all of the claims remaining be allowed.

Rejection for Obviousness-type Double Patenting

Claims 27-35 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-9, 14-15, 18, and 20 of U.S. Patent No. 6,528,305, in view of Keirstead et al. ("Absence of superinfection exclusion during asynchronous reovirus infections of mouse, monkey, and human cell lines", Virus Research 1998, 54:225-235).

An appropriate Terminal Disclaimer in compliance with 37 CFR §1.321(c), and the fee required under 37 CFR §1.20(d), are submitted herewith to expedite allowance of this application. Accordingly, withdrawal of this rejection is requested.

Conclusion:

For the reasons set forth above, Applicants submit that the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's rejection is hereby requested. Allowance of the claims remaining in this application is earnestly solicited.

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In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is requested to call the undersigned's supervisor, Ping F. Hwung, at (650) 839-5044.

Enclosed is a \$65 check for Terminal Disclaimer fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 3, 2005

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